IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.21396 AND 22768 OF 2002

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WRIT PETITION NO.21396 OF 2002:

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Between:

1 Satyanarayana Singh, S/o late Fateh Singh,

R/o Nanakramguda Village, Serilingampally Mandal, R.R.Dist.
2 Mahavir, S/o late Fateh Singh,

R/o Nanakramguda Village, Serilingampally Mandal, R.R.Dist.
3 Seethyalayabai, W/o late Fateh Singh,

R/o Nanakramguda Village, Serilingampally Mandal, R.R.Dist.

..... PETITIONERS

AND

1 The Deputy Collector & Mandal Revenue Officer,

Serilingampally Mandal, R.R.Dist.
2 The District Collector, R.R.District at Khairtabad, Hyderabad.
3 Andhra Pradesh Industrial Infrastructure Corporation Limited,

Basheerbagh, Hyderabad, rep. by its Managing Director.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in issuing the impugned Notice No.B/1979/2000-2 dt.5-9-2002 calling upon the petitioners to deliver the possession of the land within a week of receipt of the impugned notice without paying compensation as required under G.O.Ms.1307 Revenue (Assignment-I) Department dt.23-12-1993 as arbitrary, illegal and violative of the Fundemental

Rights guaranteed to the petitioners U/Articles 14 and 21 of the Constitution of India and issue the consequential direction to the respondents not to dispossess the petitioners in Sy.No.115/3 admeasuring Ac.5-02 Gts., of Nanakramguda Village, Serilingampally Mandal, R.R.District.

Counsel for Petitioners: MR. CH.SIDDAIAH

Counsel for Respondents 1 and 2: ASSISTANT GOVERNMENT PLEADER FOR REVENUE (ASSIGNMENT)

Counsel for Respondent No.3: MR. R.SUBBA RAO

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WRIT PETITION NO : 22768 of 2002

Between:

1 Mahender Singh, S/o late Ram Singh,

R/o Nanakramguda Village, Serilingampally Mandal, R.R.Dist.
2 Gopal Singh, S/o late Ram Singh,

R/o Nanakramguda Village, Serilingampally Mandal, R.R.Dist.
3 Gore Bai, W/o Papalal (Late), R/o Nanakramguda Village,

Serilingampally Mandal, R.R.Dist.
4 Phoolsingh, S/o Papalal, R/o Nanakramguda Village,

Serilingampally Mandal, R.R.Dist.

..... PETITIONERS

AND

1 The Deputy Collector & Mandal Revenue Officer,

Serilingampally Mandal, R.R.Dist.
2 The District Collector, R.R.District at Khairtabad, Hyderabad.
3 Andhra Pradesh Industrial Infrastructure Corp. Limited,

Basheerbagh, Hyderabad, rep. by its Managing Director.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in issuing the impugned notice No.B/1979/2000-7 dt.5-9-2002 calling upon the petitioners to deliver the possession of the land within a week of receipt of the Impugned notice without paying compensation as required under G.O.Ms.No.1307 Revenue (Assignment-I)

Department
dt.23-12-1993, as arbitrary, illegal and violative of the Fundemental Rights guaranteed to the petitioners U/Articles 14 and 21 of the Constitution of India and issue the consequential direction to the respondents not to dispossess the petitioners in Sy.No.115/12 admeasuring Ac.5-00 Gts., of Nanakramguda Village, Serilingampally Mandal, R.R.District.

Counsel for Petitioners: MR. CH.SIDDAIAH

Counsel for Respondents 1 and 2: ASSISTANT GOVERNMENT PLEADER FOR REVENUE (ASSIGNMENT)

Counsel for Respondent No.3: MR. R.SUBBA RAO

The Court made the following:

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COMMON ORDER:

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The petitioners in these two writ petitions claim that they are assignees of small extents of land in Nanakramguda Village, Serilingampally Mandal of Ranga Reddy District. Aggrieved by the notice dated 05-09-2002 issued to the petitioners requesting them to handover the possession of the lands for the purpose of allotting the same to the third respondent, they filed the writ petitions claiming that they are entitled for full compensation on such resumption, as per the judgment of the Larger Bench of this Court in ***Land Acquisition Officer-cum-R.D.O., Chevella Division, Hyderabad and others v. Mekala Pandu and others***.

Detailed counter affidavits are filed opposing the writ petitions. The learned Assistant Government Pleader for Revenue (Assignment), however, does not dispute that as per the judgment of the Larger Bench of this Court in **L.A.O. v. M.Pandu** (supra), the petitioners are entitled for full compensation with all benefits on par with the compensation payable to the owners of the lands. Indeed, it is brought to my notice that by a common judgment dated 20-09-2004 in

W.P.No.11759 of 2002 and batch, I have disposed of similar matters in the following manner:

"In view of the settled legal position, all the writ petitions are disposed of directing respondents 1 and 2, and the Government of Andhra Pradesh to pay the compensation to all the petitioners equivalent to full market value of the land and other benefits on par with full owners of the land. It is brought to the notice of this Court by Sri Ch.Siddaiah, learned Counsel for the petitioners in some of the writ petitions, that the Government had acquired the land of the owners some time last year. If that be so, the Government may also take into consideration the compensation fixed by the Land Acquisition Officer in those acquisition proceedings. Respondents shall take appropriate action for payment of market value to the petitioners, within a period of four months from the date of receipt of a copy of this order. The interim orders passed shall stands vacated. It shall be open to the Government to deal with the amount deposited by the APIIC appropriately. No costs."

Following the above judgment, these two writ petitions are also disposed of in the above terms. The interim orders passed shall stand vacated. A copy of the order in W.P.No.11759 of 2002 and batch shall form part of this order.

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V.V.S. RAO, J

November 17, 2004.

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To

1. The Deputy Collector and Mandal Revenue Officer, Serilingampally

Mandal, Ranga Reddy District.

2. The District Collector, Ranga Reddy District at Khairatabad, Hyderabad.

3. The Managing Director, Andhra Pradesh Industrial Infrastructure

Corporation Limited, Basheerbagh, Hyderabad.

4. Two CCs to the Assistant Government Pleader for Revenue

(Assignment), High Court Buildings, Hyderabad (O.U.T).

5. Two CD copies.

(For Sl.Nos.1 to 4, along with a copy of common order in

W.P.No.11759 of 2002 and batch, dated 20-09-2004).